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MAR 3 1992

HUB LAW OFFICES

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF MARIN

12 CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California)
13 not-for-profit religious)
corporation;)
14 Plaintiff,)
15 vs.)
16 GERALD ARMSTRONG; DOES 1)
17 through 25, inclusive,)
18 Defendants.)

Case No. 152229

OPPOSITION TO EX PARTE
APPLICATION OF NON-PARTY
JOSEPH A. YANNY

Date: March 3, 1992
Time: 1:30 p.m.
Dept.: 4

WILSON, RYAN & CAMPILONGO
235 Montgomery Street, Suite 450
San Francisco, California 94104

I. INTRODUCTION

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2 The ex parte application of non-party Joseph A. Yanny must be
3 recognized for what it is: a ploy by Yanny and defendant Gerald
4 Armstrong to avoid a prompt and necessary hearing on plaintiff's
5 motion for preliminary injunction in this matter. Armstrong has
6 already been told by Judge Stephens that unless he is willing to
7 agree to the entry of a temporary restraining order in the interim,
8 the hearing, set for March 6, will not be continued.¹ Yanny, who
9 has been an adversary of the plaintiff since he was dismissed as
10 plaintiff's counsel in 1987, has improperly come to Armstrong's aid
11 with this application, which is intended to interject confusion and
12 delay into these proceedings. It is also unnecessary. Yanny has
13 known about the pendency of the preliminary injunction motion since
14 early February, and could easily have prepared a properly-noticed
15 motion to coincide with that hearing, had he wished to do so.

16 Moreover, Yanny has no business interjecting himself into this
17 action. He is expressly forbidden by injunction from aiding
18 Armstrong in litigation against plaintiff, directly or indirectly,
19 and he has no interest in the outcome of the underlying litigation.
20 His application is thus offered to the Court as a distraction, and
21 as an attempt to rush the Court, hoping thus to convince the Court
22 to enter an order which is in contradiction to orders of the Los
23 Angeles Superior Court. Plaintiff urges the Court to avoid the
24 unnecessary pitfalls presented by Yanny's contrived application and
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28 ¹Armstrong refused to agree to the entry of a Temporary Restraining Order.

1 the aid that Armstrong apparently bargained for when he breached the
2 Agreement to benefit Yanny. And that is precisely what the Los
3 Angeles Court has already ruled that Yanny may not do. Under these
4 circumstances, Yanny's application must be summarily rejected.

5 DATED: March 3, 1992.

Respectfully submitted,

6 Andrew H. Wilson
WILSON, RYAN & CAMPILONGO

7 BOWLES & MOXON

8
9 BY: 

Laurie J. Bartilson

10 Attorneys for Plaintiff Church
11 of Scientology International
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